

Thursday, April 8, 2004

Rolland A. Schmitten  
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am very concerned about the health of our oceans, especially the degradation and destruction of essential marine habitats. The remainder of this letter will elaborate on my position which is simply this: I ask that the National Marine Fisheries Service protect essential fish habitat (EFH) and NOT weaken the EFH guidelines. To do otherwise would be extremely shortsighted.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment

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Thank you for considering my comments.

Sincerely ,

Jackie Pomies  
1271 - 38th Avenue  
San Francisco, CA 94122 - 1334  
jpomies@sfsu.edu

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Jeffrey Simpson  
16 Stonewood  
Old Lyme, CT 06371  
drjeff74@aol.com

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Sheila Ward  
265 Calle Sorbona Apt. #2  
Urb. University Gardens  
San Juan, PR 00927  
asopao@yahoo.com

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Ellen Spencer  
1430 84th ST  
Brooklyn, NY 11228  
elessar5577@aol.com



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Susan Lawrence  
74 Florence Avenue  
Arlington, MA 02476  
snugglebaby@pobox.com

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14235 Panhandle Dr  
Sugar Land, TX 77478 - 1463  
jtech7@yahoo.com



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As the world's fisheries continue to decline, it becomes ever more urgent to employ management measures that support their conservation and recovery.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

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In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Noreen Parks  
HC2 Box 6841  
Keaau, HI 96749  
nmparks@nasw.org

Sunday, April 11, 2004

Rolland A. Schmitten  
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

For a long time my husband and I have been very concerned about the state of affairs in the oceans' fisheries.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

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Sincerely ,

norma hamilton  
29001 Boyce Rd.  
Punta Gorda,, FL 33982  
indigo1@peganet.com

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Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

Fish stock are under increasing pressure from growing population and increased sport fishing.

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Sincerely ,

William Gunn  
101 Marion Street  
Indian Harbour Beach, FL 32937 - 2618  
wtgunnjr@aol.com



Saturday, April 10, 2004

Rolland A. Schmitten  
Director  
NOAA National Marine Fisheries Service  
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR  
1315 East-West Highway  
Silver Spring, MD 20910

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Sincerely ,

Ellen Kolasky  
701 E. University  
Ann Arbor, MI 48109  
smabblymedium@hotmail.com

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Director  
NOAA National Marine Fisheries Service  
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

If we really want to sustain our oceanic life, we must stay firm within our current guidelines.

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Sincerely ,

Mel Sherwinski  
599 W. Westfield Blvd  
Indianapolis, IN 46208  
gloradical5@hotmail.com

Saturday, April 10, 2004

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Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

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Thank you for considering my comments.

Sincerely ,

Kelly Eyler  
2105 N 15 Ave  
Hollywood, FL 33020  
erineyler@aol.com

Friday, April 9, 2004

Rolland A. Schmitten  
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

Please don't weaken the Essential Fish Habitat regulations. We must protect our fisheries.

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Tammy Minion  
417 emerald st  
redondo beach, CA 90277  
goddessbast99@hotmail.com



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NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

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Sincerely ,

Jackie Raven  
235 E. 89th Street  
New York, NY 10128 - 4385  
jackie\_raven@hotmail.com

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Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

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Isabella C  
59-40 Queens Blvd.  
Woodside, NY 11377  
bellasia17@yahoo.com

Friday, April 9, 2004

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Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

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Thank you for considering my comments.

Sincerely ,

Katherine Babiak  
99 Bank St.  
New York, NY 10014 - 2130  
kmbnyc@aol.com

Friday, April 9, 2004

Rolland A. Schmitten  
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

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Sincerely ,

Kerry Grimm  
1140 Jones St., #205  
Reno, NV 89503  
inasec4@hotmail.com



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NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

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Sincerely ,

Scott Stollenwerk  
805 State St  
Apt/Suite21  
La Crosse, WI 54601  
squebe@mail.com

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Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

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Sincerely ,

Jessica Noon  
4201 Bay Shore  
DO not Mail  
Sarasota, FL 34234  
jnoon@scgov.net

Friday, April 9, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

As a conservation biologist and researcher of environmental policy at Stanford University, I believe strongly in the importance of fisheries to the American economy and the crucial role of government in ensuring that those fisheries are efficient and sustainable.

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Sincerely ,

Kai Chan  
750 N. Shoreline Blvd.  
Apt/Suite152  
Mountain View, CA 94043 - 3249  
kaichan@stanford.edu

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Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

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Sincerely ,

Doug Shohan  
95 Via Maria  
Lee, MA 01238  
godmetal@aol.com



Thursday, April 8, 2004

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Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
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Seth Silverman  
60 East End Ave., #8b  
New York, NY 10028  
ssilverman86@hotmail.com

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Sincerely ,

Bryan Milne  
595 Jersey Ave., Apt. #3  
Jersey City, NJ 07302  
bryan\_cmilne@hotmail.com

Thursday, April 8, 2004

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Director  
NOAA National Marine Fisheries Service  
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

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jan boudart  
1132 W.Lunt  
Chicago, IL 60626  
j-boudart@northwestern.edu

Thursday, April 8, 2004

Rolland A. Schmitten  
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway  
Silver Spring, MD 20910

Dear Director A. Schmitten,

Although I did not write the letter below, I entirely concur with it and support its conclusions and recommendations

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Sincerely ,

Beverly Nadelman  
Cambridge F  
Apt/Suite2130  
Deerfield Beach, FL 33442  
PrismConcept



Thursday, April 8, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

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The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

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Thank you for considering my comments.

Sincerely ,

Adam M  
Ocean beach  
San Diego, CA 92107  
maytay@hotmail.com

Thursday, April 8, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

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I am in favor of the strongest limit to fishing that can be successfully patrolled. I am deeply concerned about the decrease in fish number as part of the problem is man made pollution and a healthy ocean is essential to a healthy America.

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Frances Perlman  
219 Main St  
West Paris, ME 04289 - 0293  
fmayer@megalink.net

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Colin Smith  
2315A Oak Street  
Berkeley, CA 94708 - 1628  
colinsmith42@msn.com

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Deborah A. Bushnell  
204 Scotland Street  
Dunedin, FL 34698  
dbushnell@netzero.net



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Kerry Nickols  
3519 Ybarra Road  
Spring Valley, CA 91978  
kjnmermaid@mac.com

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David Sorensen  
68-04 138 st  
flushing, NY 11367  
dsoren2865@aol.com

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Sincerely ,

Jon Soderstrom  
508 S Kenilworth Avenue  
Oak Park, IL 60304 - 1128  
gratefldiver@mac.com

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Nichole Long  
66 South Haardt Drive  
Montgomery, AL 36105 - 2106  
flowers@planet-save.com



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Helen Schafer  
5 Baltusrol Dr.  
Jackson, NJ 08527 - 3990  
hschafer@juno.com

Monday, April 12, 2004

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Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

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